

Message Text

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ACTION SNM-05

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FM AMEMBASSY PARAMARIBO
TO SECSTATE WASHDC 4550

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E.O. 11652: N/A
TAGS: SNAR OGEN CPAS NS
SUBJ: NARCOTICS LAWS IN SURINAM

REF: A. STATE 170187; B. PARAMARIBO 1024

IN RESPONSE TO QUESTIONS POSED REF A EMBASSY HAS
RECEIVED THE FOLLOWING ANSWERS FROM THE PUBLIC PROSECUTOR
AND THE ATTORNEY GENERAL:

1. POSSESSION: A. THERE IS NO DIFFERENTIATION MADE IN LAW
AMONG THE VARIOUS NARCOTIC DRUGS; I.E., MARIJUANA, COCAINE,
HEROIN AND OTHER CONTROLLED SUBSTANCES. THE PENALTY FOR
POSSESSION OF ANY CONTROLLED SUBSTANCE IS FROM ONE DAY
TO FOUR YEARS.

?. THERE IS NO AMOUNT SPECIFIED IN LAW AS A
MINIMUM; ANY PERSON ARRESTED WITH A RESIDUAL AMOUNT OF
ANY CONTROLLED SUBSTANCE CAN BE CHARGED WITH POSSESSION.

C. THE PENALTIES FOR POSSESSION, INTENT TO
SELL, SALE CONSPIRACY AND TRAFFICKING ARE FROM ONE DAY
TO FOUR YEARS. IN PRACTICA THE JUDICIARY USES
WIDE DISCRETION IN THE SENTENCING OF NARCOTICS
OFFENDERS. TRAFFICKERS, ESPECIALLY OF HARD DRUGS,
(COCAINE AND HEROIN) ARE GIVEN THE MAXIMUM PENALTY;
UNCLASSIFIED

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PAGE 02 PARAMA 01098 071735Z

USERS ARE MORE LENIENTLY SENTENCED. FIRST OFFENDERS,
ARRESTED WITH SMALL AMOUNTS OF MARIJUANA, ARE EITHER
NOT PROSECUTED OR ARE GIVEN LIGHT TERMS AND/OR FINES.

2. TRAFFICKING: A. THE PENALTY FOR TRAFFICKING IN ANY
CONTROLLED SUBSTANCE IS FROM ONE DAY TO FOUR YEARS.

B. BAIL IS NOT PERMITTED; HOWEVER, IN MINOR CASES, SUBJECT TO THE DISCRETION OF A MAGISTRATE AND UNDER CONDITIONS OF DAILY REPORTING TO THE POLICE, SUSPECTS MAY BE RELEASED FROM PRETRIAL DETENTION UNDER A FORM OF PERSONAL RECOGNIZANCE; PAROLE, AFTER THE COMPLETION OF PART OF A PRISON TERM, IS ALSO POSSIBLE.

C. NO MINIMUM AMOUNT OF A DRUG IS NECESSARY FOR A SUSPECT TO BE CHARGED AS A TRAFFICKER. THE PROSECUTION MUST DEMONSTRATE INTENT TO TRAFFIC.

D. THERE IS NO CRIMINAL OFFENSE FOR CONSPIRACY.

3. CULTIVATION, PRODUCTION, ELABORATION: A-C) CULTIVATION, PRODUCTION AND ELABORATION OF MARIJUANA, COCA AND OPIUM POPPY ARE ILLEGAL. THE PENALTIES ARE THE SAME AS ABOVE, FROM ONE DAY TO FOUR YEARS.

4. FINANCIAL: A. PERSONS GIVING FINANCIAL SUPPORT FOR THE TRAFFICKING IN NARCOTICS, CAN BE CHARGED AS ACCOMPLICES WITH A MAXIMUM PENALTY OF TWO AND A HALF YEARS IN PRISON.

B. A SURINAM NATIONAL MUST RECEIVE PERMISSION FROM THE FOREIGN EXCHANGE BOARD TO EXPORT
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PAGE 03 PARAMA 01098 071735Z

CURRENCY.

5. CRIMINAL PROCEDURE: THE PRESENT SURINAM PENAL CODE COVERING CRIMINAL PROCEDURE WILL BE REPLACED BY A MORE LIBERAL CRIMINAL CODE ON JAN 1. 1979. UNDER THE TERMS OF THE NEW CODE SUSPECTS CAN BE HELD IN CUSTODY BY THE POLICE FOR SIX DAYS. THE PUBLIC PROSECUTOR CAN EXTEND THIS PRE-TRIAL DETENTION FOR AN ADDITIONAL 14 DAYS. THEN, THE CASE MUST BE BROUGHT BEFORE A MAGISTRATE, WHO CAN EITHER DISMISS THE CASE OUTRIGHT OR FURTHER EXTEND THE DETENTION TO A MAXIMUM OF 120 DAYS. TRIALS IN SURINAM LAST NO LONGER THAN ONE TO TWO WEEKS; REVIEW THROUGH APPEAL WILL TAKE NO LONGER THAN TWO MONTHS. AFTER JANUARY 1, ALL DEFENDANTS WILL BE GUARANTEED ATTORNEYS, INCLUDING INDIGENT FOREIGN NATIONALS. AT PRESENT, THE TYPICAL FEE IN A CRIMINAL CASE INVOLVING NARCOTICS IS SFL300 (\$180). ADEQUATE LEGAL COUNSEL IS AVAILABLE. THE PROVISIONS FOR CONDITIONAL LIBERTY ARE THE SAME AS ABOVE. WHILE NO AMERICAN CITIZEN HAS BEEN CHARGED WITH A CRIME, AND ONLY TWO AMERICANS HAVE BEEN BRIEFLY DETAINED IN SURINAM IN THE PAST FEW YEARS, THE PUBLIC PROSECUTOR HAS INDICATED A

STRONG PREFERENCE FOR EXPELLING MINOR OFFENDERS
RATHER THAN PROCEEDING WITH TRIALS.
CONSULAR NOTIFICATION AND ACCESS IS GIVEN DURING
PRE-TRIAL DETENTION; THE POLICE HAVE INSTRUCTIONS
FROM THE ATTORNEY GENERAL'S OFFICE TO NOTIFY EMBASSIES
IMMEDIATELY WHEN ONE OF THEIR NATIONAL IS DETAINED.

6. COMMENT: SURINAM HAS RECENTLY CONCLUDED A MAJOR DRUG
INVESTIGATION WHICH HAS POINTED OUT WEAKNESSES IN THE
CURRENT LAWS COVERING NARCOTICS. A BILL IS CURRENTLY
IN PARLIAMENT TO PROVIDE STRICTER PENALTIES FOR THE
TRAFFICKING IN CONTROLLED SUBSTANCES, ESPECIALLY
COCAINE AND HEROIN.
WHILE A STRICTER LAW IS EXPECTED, SURINAM WILL CONTINUE
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PAGE 04 PARAMA 01098 071735Z

TO PROTECT THE RIGHTS OF THE ACCUSED, AS IS DEMONSTRATED
IN THE MORE LIBERAL CODE OF CRIMINAL PROCEDURE WHICH
TAKES EFFECT IN JANUARY.
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